

October 5, 2023

VIA ECF

Honorable Vera M. Scanlon, U.S.M.J.
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: Joint Request for an Initial Conference,
 Zobay v. MTN Group Ltd., et al., No. 1:21-cv-3503 (E.D.N.Y.) (CBA)**

Dear Judge Scanlon,

Plaintiffs and Defendant MTN Group Limited (“MTN Group”) jointly submit this letter in accordance with Your Honor’s September 28, 2021 minute order, which directed counsel to submit a joint request for an initial conference within a week of the District Court’s decision on Defendants’ motions to dismiss if the case is to continue.

On September 28, 2023, the District Court issued a memorandum and order dismissing all claims against ZTE (USA) Inc.; ZTE (TX) Inc.; Huawei Technologies USA Inc.; Huawei Device USA Inc., Futurewei Technologies, Inc.; and MTN Dubai Limited. ECF No. 129. With respect to MTN Group, the Court dismissed Counts Two and Three, Plaintiffs’ conspiracy claim and their aiding-and-abetting claim pertaining to attacks in Afghanistan, respectively, but declined to dismiss Count One, an aiding-and-abetting claim pertaining to attacks in Iraq.¹

Plaintiffs and MTN Group therefore submit this letter to jointly request an initial conference. Given the requirements of Federal Rule of Civil Procedure 26(f), and to give the parties sufficient time to meet and confer before the conference, we respectfully request that Your Honor schedule the Initial Conference to occur no sooner than November 16, 2023.

The parties are available to answer any questions that Your Honor may have.

¹ Plaintiffs note, however, that they intend to seek leave to amend their complaint to address the District Court’s decision dismissing Count Three (pertaining to attacks in Afghanistan).

Respectfully submitted,

/s/ Geoffrey P. Eaton

Geoffrey P. Eaton

Ryan R. Sparacino

Eli J. Kay-Oliphant

Sparacino PLLC

1920 L Street, NW, Suite 835

Washington, D.C. 20036

Tel: (202) 629-3530

geoff.eaton@sparacinopllc.com

ryan.sparacino@sparacinopllc.com

eli.kay-oliphant@sparacinopllc.com

Counsel for Plaintiffs

/s/ Timothy P. Harkness

Timothy P. Harkness

Kimberly H. Zelnick

Scott A. Eisman

Freshfields Bruckhaus Deringer US LLP

601 Lexington Avenue, 31st Floor

New York, NY 10022

Telephone: (212) 277-4000

Facsimile: (212) 277-4001

timothy.harkness@freshfields.com

kimberly.zelnick@freshfields.com

scott.eisman@freshfields.com

/s/ David M. Zions

David M. Zions

One CityCenter

850 Tenth Street N.W.

Washington, DC 20001

Telephone: (202) 662-5987

Facsimile: (202) 778-5987

dzions@cov.com

Benjamin S. Haley

Covington & Burling (Pty) Ltd.

Rosebank Link

173 Oxford Road, 7th Floor

Johannesburg 2196, South Africa

Telephone: +27 (11) 944-6914

Facsimile: (202) 778-5194

bhaley@cov.com

Counsel for Defendant MTN Group Limited